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EXAMINER

PAULA, CESAR B

ART UNIT PAPER NUMBER

2178

DATE MAILED: 11/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/333,821

Applicant(s)

LEVINE ET AL.

Examiner

CESAR B. PAULA

Art Unit

2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 08 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 10-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, and 10-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This action is responsive to the amendment filed on 9/8/2006.

**This action is made Non-Final.**

2. In the amendment, claims 1-8, and 10-33 are pending in the case. Claims 1, 18, and 24 are independent claims.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3, 15-16, 24-25, 27-28, and 29-31 remain rejected under 35 U.S.C. 103(a) as being anticipated by Corel Wordperfect 6.1, 1996, hereinafter Wordperfect, "Scan Images into Wordperfect", and Moseberger, D., "The Sane Scanner Interface", hereinafter Sane, Linux Journal, Issue 47, 3/1998, pp. 1-12.

Regarding independent claim 1, Wordperfect teaches the acquisition, and insertion of a scanned image(s), from a TWAIN scanner, under control of a wordprocessing application, into a textual document(s) located in a Wordprocessing application (pages 1, 5). In other words, the

scanner is activated once user selects the “Acquire” command from the “Insert” menu. The insertion of the scanned image(s) into the textual document(s) is done directly from the scanner, that is without saving the image into a permanent file in the computer memory prior to inserting the file into the textual document. Wordperfect fails to explicitly disclose: *(b) using a special application programming interface (API) module accessed from within the application program, for interfacing the application program with a TWAIN module that is used for acquiring an image...the special API module being entirely separate and distinct from the TWAIN module and providing a user interface that is presented to a user within and under control of the application, said API module isolating a user from directly interacting with the TWAIN module and thereby simplifying the step of acquiring the image, (c) causing the application program to negotiate with the image source device that is active to determine a set of image capture parameters that control said image source device when acquiring the image.* However, Sane teaches separating the user interface to control a device, such as an image scanner, from its driver. The user can then choose any application user interface he chooses to control the device (page 2). Sane allows the display of a user interface in accordance to the capabilities of the device (pages 9, and 12, fig.2-6). In other words, the Sane interface allows the application to acquire an image through a DLL which contacts a driver, which represents the hardware device used to acquire the image. The application has to go through the DLL in order to access the Sane, and the “Source driver”, thereby isolating the user of the application from the driver of the acquisition device. It would have been obvious to one of ordinary skill at the time of the invention to combine Wordperfect, and Sane to access the Twain driver using a DLL module in a Twain architecture, because of all the reasons found in Sane including making suitable to control networked devices, reducing the

number of programs needed to control image acquiring devices, and giving the user the flexibility of choosing whichever application he deems best (page 2, 6).

Claim 3 is directed towards a method for implementing the steps found in claim 1, and therefore is similarly rejected.

Regarding claim 15, which depends on claim 12, Wordperfect discloses the automatic scan of images into a document using only TWAIN enabled scanners, thereby determining whether the device(s) is TWAIN compliant, and only using a single user selection of an “acquire” option from an insert menu (pages 1-2).

Claim 16 is directed towards a computer-readable medium for storing the steps found in claim 1, and therefore is similarly rejected.

Claims 24-25 are directed towards a system for implementing the steps found in claims 1, and 1 respectively, and therefore are similarly rejected.

Regarding claim 27, which depends on claim 24, Wordperfect teaches the acquisition, transfer, and insertion of a scanned images, from an *active* TWAIN scanner, into a textual document(s) produced with a wordprocessor—*presentation design application* (pages 1-2, 5).

Art Unit: 2178

Regarding claim 28, which depends on claim 24, Wordperfect teaches the acquisition, transfer, and insertion of a scanned images, from an *active* TWAIN scanner, into a textual document(s) (pages 1-2, 5).

Claim 29 is directed towards a system for implementing the steps found in claim 15, and therefore is similarly rejected.

Regarding claim 30, which depends on claim 24, Wordperfect discloses the automatic scan of images into a document using only a using a single user selection of an “acquire” option from an insert menu (page 1).

Regarding claim 31, which depends on claim 24, Wordperfect discloses allowing a user to customize or enhance the image settings to be inserted into the document. This enhancement is done from within the wordprocessor (page 7).

5. Claims 2, 6, 10, 12, and 17 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Wordperfect, in view of Sane, and further in view of “Ulead PhotoImpact 3.0” User Guide for Windows 95 and Windows NT 3.51, hereinafter Photoimpact, Ulead Systems, 1996, pp.104-107, 111-114, 162-167.

Regarding claim 2, which depends on claim 1, Wordperfect discloses allowing a user to choose a scanning device from a list for scanning—*activating*-- an image into a document (page

Art Unit: 2178

2). Wordperfect fails to explicitly disclose: *a list of all image source devices in communication with the computer*. However, Photoimpact discloses the selection of a specific device from a list including all the devices connected to a pc for scanning images into the pc (page 162, lines 28-38). It would have been obvious to a person of ordinary skill in the art at the time of the invention to have combined the teachings of Wordperfect, and Photoimpact, because Photoimpact discloses the selection of one device out of all the devices connected to the pc, because the computer does not know which device the user wants to use to acquire the image, the user must choose, when there are more than one device connected to the computer.

Regarding claim 6, which depends on claim 1, Wordperfect discloses allowing a user to choose a scanning device from a list for scanning—*activating*-- an image into a document (page 2). Wordperfect fails to explicitly disclose: *(a) selecting at least one image enhancement criterion, and (b) enhancing said captured image based on said image enhancement criterion, prior to inserting said data representing the image into said document*. However, Photoimpact discloses the setting of image calibration, and postprocessing options for adjusting, and enhancing images to be scanned into the computer-- *prior to inserting said data representing the image into said document* (page 164, line 14-page 167). It would have been obvious to a person of ordinary skill in the art at the time of the invention to have combined the teachings of Wordperfect, and Photoimpact, because Photoimpact discloses the benefit of correcting basic image problems, and improving the image appearance (page 165, lines 4-26).

Art Unit: 2178

Regarding claim 10, which depends on claim 1, Wordperfect discloses allowing a user to choose a scanning device from a list for scanning—*activating*-- an image into a document, and displaying a dialog box for this selection based upon the type of scanner selected (page 2).

Wordperfect fails to explicitly disclose: *the set of image capture parameters are negotiated based in part on the capabilities of said image source device*. However, Photoimpact discloses the setting of calibration, and postprocessing options for adjusting, and enhancing images to be scanned into the computer (page 164, line 14-page 167). In other words, once the postprocessing options are selected, the photoimpact application negotiates with the scanning device the straightening, cropping, removing moiré, etc., -- *capture parameters are negotiated based in part on the capabilities of said image source device*-- of the image. This calibration is also based in part on the user's input. It would have been obvious to a person of ordinary skill in the art at the time of the invention to have combined the teachings of Wordperfect, and Photoimpact, because Photoimpact discloses the benefit of correcting basic image problems, and improving the image appearance (page 165, lines 4-26).

Regarding claim 12, which depends on claim 1, Wordperfect discloses the scanning of images directly into a document (page 1). Twain discloses a SAPI-- *a special application programming interface (API) module* --that allows a user's selection to trigger the providing of negotiated settings by a negotiation process between an application-- *causing the application program to negotiate*--, describing the data it wants, and a source device, defining the data it can provide (page 4, lines 12-17, page 2, parag.4, page 3, parag.3-4). It would have been obvious to a person of ordinary skill in the art Wordperfect fails to explicitly disclose: *determining from*



Art Unit: 2178

*within the application program whether the image source device that is active is able to perform an automatic image scan.* However, Photoimpact discloses the display of an error message, if a selected device is not a TWAIN device, and if there is a TWAIN device, but it is not properly configured, then a dialog box containing configuration options appears (page163, line 8-17). In other words, when a user selects the acquire image button, instead of being able to automatically scan the image, the user is informed the automatic scan cannot be performed. It would have been obvious to a person of ordinary skill in the art at the time of the invention to have combined the teachings of Wordperfect, and Photoimpact, because Photoimpact discloses above the benefit of informing the user whether or not the device is properly configured.

Claim 17 is directed towards a computer-readable medium for storing the steps found in claim 12, and therefore is similarly rejected.

6. Claims 4-5, 18, 21-23, and 32-33 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Wordperfect, in view of Sane, further in view of Sobol et al, hereinafter Sobol (Pat. # 5,907,665, 5/25/99).

Regarding claim 4, which depends on claim 1, Wordperfect discloses allowing a user to choose a scanning device from a list for scanning—*activating--* an image into a document, and displaying a dialog box for this selection based upon the type of scanner selected (page 2). Wordperfect fails to explicitly disclose: *scanning a graphic source that has defined edges, further comprising the steps of automatically detecting the edges of the graphic source, and*

Art Unit: 2178

*cropping the image at the edges of the graphic source to exclude any portion of a scanned field.*

However, Sobol discloses the selection of a specific portion of an image detecting the edges, thereby leaving unwanted data out, and cropping it to comply with the user's selection (col.4, lines 21-67). It would have been obvious to a person of ordinary skill in the art at the time of the invention to have combined the teachings of Wordperfect, and Sobol, because Sobol teaches allowing the benefit of customizing a desired image by allowing the user to crop and select desired portions of the image. Therefore, a user would be able to select only the portion of an image(s) desired.

Regarding claim 5, which depends on claim 1, Wordperfect discloses allowing a user to choose a scanning device from a list for scanning—*activating--* an image into a document, and displaying a dialog box for this selection based upon the type of scanner selected (page 2). Wordperfect fails to explicitly disclose: *converting the data representing the image into a compressed format prior to inserting the data into the document.* However, Sobol discloses the compression of an image before inserting in a document (col.4, lines 37-col.5, line 18). It would have been obvious to a person of ordinary skill in the art at the time of the invention to have combined the teachings of Wordperfect, and Sobol, because Sobol teaches above the benefit of reduction of memory and processing time required to process the image.

Regarding independent claim 18, Wordperfect teaches the acquisition, transfer, and insertion of scanned images, from an *active* TWAIN scanner, under control of a wordprocessing application menu, into a textual document(s) located in the Wordprocessing application --

Art Unit: 2178

*wherein the image source device user interface provides a selection scheme that is independent* (pages 1-2, 5). The scanning, and insertion of the images is made using a scheme or a number of prescribed steps. Wordperfect fails to explicitly disclose *the special API module is entirely separate and distinct from a TWAIN module and interacts with the TWAIN module to control the image source device, of the TWAIN module within the application program for selecting a plurality of the images stored in the image source device for insertion into the document*. However, Sane teaches separating the user interface to control a device, such as an image scanner, from its driver, which is located at a different location, such as a remote workstation on a computer network (fig.6). The user can then choose any application user interface he chooses to control the device (page 2). Sane allows the display of a user interface in accordance to the capabilities of the device (pages 9, and 12, fig.2-6). In other words, the Sane interface allows the application to acquire an image through a DLL which contacts a driver, which represents the hardware device used to acquire the image. The application DLL has to go through the Sane, and the source DLL in order to access the "Source driver", thereby isolating the user of the application from the driver of the acquisition device. It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the teachings of Wordperfect, and Sane, and separate the TWAIN module from interacting directly with the user, because of all the reasons found in Sane, including making it suitable for networked environments, reducing the number of programs that need to be written for controlling the image acquiring devices, and giving the user the flexibility of choosing whichever application he deems best (page 2).

Art Unit: 2178

Moreover, Wordperfect teaches the insertion of scanned images directly into a textual document without saving the images to a file prior to inserting them into the document (page 1). Wordperfect fails to explicitly teach *converting said data representing the selected image into a compressed format, and (e)*. Sobol discloses the compression of image(s), not compressed, before inserting in a document (col.4, lines 37-col.5, and line 18). However, it would have been obvious to a person of ordinary skill in the art at the time of the invention to have combine the teachings of Wordperfect, Twain, and Sobol, because Sobol teaches above the benefit of reducing the amount of memory and processing time require to store, and process the images.

Regarding claim 21, which depends on claim 18, Wordperfect teaches the acquisition, transfer, and insertion of a scanned images, from an *active* TWAIN scanner, into a textual document(s) located in the Wordprocessing application, such as a slide presentation made up of individual slides (pages 1-2, 5).

Regarding claim 22, which depends on claim 18, Wordperfect teaches the editing, and adjusting—*enhancing*-- of scanned images, using image-editing tools incorporated within the wordprocessor (pages 3-4).

Claim 23 is directed towards a computer-readable medium for storing the steps found in claim 18, therefore is similarly rejected.

Regarding claim 32, which depends on claim 24, Wordperfect discloses allowing a user to choose a scanning device from a list for scanning—*activating*-- an image into a document, and displaying a dialog box for this selection based upon the type of scanner selected (page 2).

Wordperfect fails to explicitly disclose: *the image is acquired by scanning a graphic source that has edges of the graphic source so as to automatically crop a scanned field included within the graphic source in the image, the image being so cropped prior to the data representing the image being inserted into the document.* However, Sobol discloses the selection of a specific portion of an image prior to inserting the image into a document, detecting the edges, thereby leaving unwanted data out, and cropping them to comply with the user's selection (col.4, lines 21-67). It would have been obvious to a person of ordinary skill in the art at the time of the invention to have combined the teachings of Wordperfect, and Sobol, because Sobol teaches above, allowing the benefit of customizing a desired image by allowing the user to crop and select desired portions of the image. Therefore, a user would be able to select only the portion of an image(s) desired by a user.

Claim 33 is directed towards a system for implementing the steps found in claim 5, and therefore is similarly rejected.

7. Claims 7-8 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Wordperfect, in view of Sane, further in view of Photoimpact, and further in view of Mastering Photoshop 5 for the Web, hereinafter Photoshop (1998, pp.1-10).

Regarding claim 7, which depends on claim 6, Wordperfect teaches the acquisition, transfer, and insertion of a scanned images, from an *active* TWAIN scanner, into a textual document(s) located in the Wordprocessing application (pages 1-2, 5). Wordperfect fails to explicitly disclose: *enhancement criterion is a contrast level of the image that is adjusted to enhance brightness*. However, Photoshop teaches the altering of an image contrast/brightness (p.8,L.1-28). It would have been obvious to a person of ordinary skill in the art at the time of the invention to have combined the teachings of Wordperfect, and Photoshop, because Photoshop teaches above the benefit of increasing the legibility of a textual document. This would increase the legibility of the image obtained by the scanner, or device.

Regarding claim 8, which depends on claim 6, Wordperfect teaches the acquisition, transfer, and insertion of a scanned images, from an *active* TWAIN scanner, into a textual document(s) located in the Wordprocessing application (pages 1-2, 5). Wordperfect fails to explicitly disclose: *enhancement criterion is a color level of the image...based on a gamma correction algorithm*. However, Photoshop teaches the altering of an image color based on a gamma correction algorithm (p.2,L.14-20). It would have been obvious to a person of ordinary skill in the art at the time of the invention to have combined the teachings of Wordperfect, and Photoshop, because Photoshop teaches above the benefit of customizing of an image to be compatible with the colors of a specific computer platform. This would increase the legibility of the image obtained by the scanner, or device.

Art Unit: 2178

8. Claim 11 remains rejected under 35 U.S.C. 103(a) as being unpatentable over Wordperfect, in view of Sane, further in view of Photoimpact, and further in view of “Troubleshooting and configuring the Windows NT/95 Registry”, Clayton Johnson, hereinafter Johnson (1997, pp.1-2).

Regarding claim 11, which depends on claim 10, Wordperfect teaches the acquisition, transfer, and insertion of a scanned images, from an *active* TWAIN scanner, into a textual document(s) located in the Wordprocessing application (pages 1-2, 5). Wordperfect fails to explicitly disclose: *a set of capabilities are associated with the image source devices...and are stored in an operating system registry*. However, Johnson teaches the settings and capabilities of hardware being stored in a computer’s Windows registry (p.1). It would have been obvious to a person of ordinary skill in the art at the time of the invention to have combined the teachings of Wordperfect, and Johnson, because Johnson teaches above storing hardware information in a registry to enable an operating system to control and run those devices.

9. Claim 13 remains rejected under 35 U.S.C. 103(a) as being unpatentable over Wordperfect, in view of Twain, further in view of Photoimpact, and further in view of TWAIN specification version 1.8, 110/22/98, hereinafter Twain (IDS filed on 8/23/99).

Regarding claim 13, which depends on claim 12, Wordperfect teaches the scanning of an image into a document by simply choosing an “Acquire Image” menu option (page 1). Wordperfect fails to explicitly disclose: *the device that is active has an X, and a Y resolution,*

Art Unit: 2178

*and includes a driver that provides a user interface for selecting image capture parameters, (a) confirming that said image source device can control its X resolution; (b) confirming that said image source device can control its Y resolution; (c) confirming that the user interface can be bypassed, wherein an affirmative answer to all of the steps of confirming indicates that said image source device can perform the automatic image scan.* However, Twain teaches negotiating capabilities, such as X, Y resolution supported by a device (page 69, page 71, 14-31). Twain also teaches negotiating capabilities, such as the setting of certain x/y resolution, between a source device, and an application leads to a modification of a dialog, such as the graying out or *bypassing* of the dialog (page 116, lines 7-34, page 70, part 3). It would have been obvious to a person of ordinary skill in the art at the time of the invention to have combined the teachings of Wordperfect, Photoimpact and Twain, because Twain teaches the benefit of giving control to TWAIN applications (page 65, lines 16-20).

10. Claim 14 remains rejected under 35 U.S.C. 103(a) as being unpatentable over Wordperfect, and in view of Sane, further in view of Photoimpact, and further in view of Arakawa (Pat. #5,845,076, 12/1/98).

Regarding claim 14, which depends on claim 12, Wordperfect teaches the acquisition, transfer, and insertion of a scanned images, from an *active* TWAIN scanner, into a textual document(s) located in the Wordprocessing application (pages 1-2, 5). Wordperfect fails to explicitly disclose: *setting an error flag*. However, Arakawa teaches the setting of an error flag to indicate whether there was an error in the scanning process (col.10,L.34-67). It would have



been obvious to a person of ordinary skill in the art at the time of the invention to have combined the teachings of Wordperfect, and Arakawa, because Arakawa teaches above a scheme to discover the scanning status.

Furthermore, Wordperfect fails to explicitly disclose: *clearing the error flag if the automatic scan is successful, and evaluating the error flag..if the error flag has not been cleared.* However, Arakawa teaches the setting of an error flag to indicate whether there was an error in the scanning process, and therefore the scanning cannot be completed (col.10,L.34-67). It would have been obvious to a person of ordinary skill in the art at the time of the invention to have combined the teachings of Wordperfect, and Arakawa, because Arakawa teaches above a scheme to discover the scanning status of a scanner, so that a user would be informed as to the status of the scanning job.

11. Claim 19 remains rejected under 35 U.S.C. 103(a) as being unpatentable over Wordperfect, in view of Sane, further in view of Sobol, and further in view of Photoshop (1998, pp.1-10).

Regarding claim 19, which depends on claim 18, Wordperfect teaches the acquisition, transfer, and insertion of a scanned images, from an *active* TWAIN scanner, into a textual document(s) located in the Wordprocessing application (pages 1-2, 5). Wordperfect fails to explicitly disclose: *the application program is a word processing application, and the plurality of images are inserted into the document as a plurality of tiled images.* However, Photoshop teaches the creation of graphics using a tiling technique (p.4,L.14-p.5). It would have been

obvious to a person of ordinary skill in the art at the time of the invention to have combined the teachings of Wordperfect, and Photoshop because Photoshop teaches above the benefit of the use of tiled images as a web page background, thereby enhancing a web page created with the wordprocessor.

12. Claim 20 remains rejected under 35 U.S.C. 103(a) as being unpatentable over Wordperfect, in view of Sane, further in view of Sobol, and further in view of Hearn et al, hereinafter Hearn (Pat. # 6,154,756, 11/28/00, filed on 7/1/96).

Regarding claim 20, which depends on claim 18, Wordperfect teaches the acquisition, transfer, and insertion of a scanned images into a textual document(s) located in the Wordprocessing application (pages 1-2, 5). Wordperfect fails to explicitly disclose: *the plurality of inserted images are inserted into the spreadsheet document as a plurality of cascaded images*. However, Hearn teaches combining, and nesting different data with each other, such as graphics nesting within a spreadsheet (col.3, lines 1-53). It would have been obvious to a person of ordinary skill in the art at the time of the invention to have combined the teachings of Wordperfect, Sobol, and Hearn, because Hearn teaches above an improvement in the way to combine different data into a single document.

13. Claim 26 remains rejected under 35 U.S.C. 103(a) as being unpatentable over Wordperfect, in view of Sane, further in view of Hearn et al, hereinafter Hearn (Pat.# 6,154,756, 11/28/00, filed on 7/1/96).

Regarding claim 26, which depends on claim 24, Wordperfect teaches the acquisition, transfer, and insertion of a scanned images into a textual document(s) located in the Wordprocessing application (pages 1-2, 6-7). Wordperfect fails to explicitly disclose: *the application program is a spreadsheet application*. However, Hearn teaches combining, and nesting different data with each other, such as graphics nesting within a spreadsheet (col.3, lines 1-53). It would have been obvious to a person of ordinary skill in the art at the time of the invention to have combined the teachings of Wordperfect, Sobol, and Hearn, because Hearn teaches above an improvement in the way to combine different data into a single document.

14. Claim 31 remains rejected under 35 U.S.C. 103(a) as being unpatentable over Wordperfect, in view of Sane, and further in view of Photoshop.

Regarding claim 31, which depends on claim 24, Wordperfect teaches the acquisition, transfer, and insertion of a scanned images, from an *active* TWAIN scanner, into a textual document(s) located in the Wordprocessing application (pages 1-2, 5). Wordperfect fails to explicitly disclose: *enhancing the quality of the captured image from within the application, the captured image quality being enhanced prior to inserting the data representing the image into the application program document*. However, Photoshop teaches the altering of an image color based on a gamma correction algorithm (p.2,L.14-20). It would have been obvious to a person of ordinary skill in the art at the time of the invention to have combined the teachings of

Art Unit: 2178

Wordperfect, and Photoshop, because Photoshop teaches above the customization of an image to be compatible with the colors of a specific computer platform.

***Response to Arguments***

15. Applicant's arguments filed on 9/8/2006 have been fully considered but they are not persuasive. The Applicant remarks in regards to claims 1, 18, and 24, The Applicants remark that Sane does not teach or suggest using a special API module accessed from an application program for interfacing the application with a TWAIN driver (page 10,parag.2). The Examiner disagrees, because Sane teaches using a SANE interface, which allows an application to access a DLL module, which in turn accesses a device driver for acquiring an image from a device (pages 2, 9, 12, fig.2-6). It would have been obvious to one of ordinary skill at the time of the invention to combine Wordperfect, and Sane to access the Twain driver using a DLL module in a Twain architecture, because of all the reasons found in Sane including making suitable to control networked devices, reducing the number of programs needed to control image acquiring devices, and giving the user the flexibility of choosing whichever application he deems best(page 2, 6).

Further, the Applicant refers to a Sane website reference, which indicates that it is unlikely that there will ever be a sane backend that can talk to a TWAIN driver, and that both the source manager and the source driver are components of the Twain module (pages 13). It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the teachings of Wordperfect, and Sane, and separate the TWAIN module from interacting directly with the user in a Twain, not Sane architecture, because of all the reasons

Art Unit: 2178

found in Sane, including making it suitable for networked environments, reducing the number of programs that need to be written for controlling the image acquiring devices, and giving the user the flexibility of choosing whichever application he deems best (page 2).

Claim 24 is rejected at least based on the rationale above.

### ***Conclusion***

I. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Olbricht (Pat. # 6,429,952).

II. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cesar B. Paula whose telephone number is (571) 272-4128. The examiner can normally be reached on Monday through Friday from 8:00 a.m. to 4:00 p.m. (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong, can be reached on (571) 272-4124. However, in such a case, please allow at least one business day.

Information regarding the status of an application may be obtained from the Patent Application Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, go to <http://portal.uspto.gov/external/portal/pair>. Should you have any questions about access to the Private PAIR system, please contact the Electronic Business Center (EBC) at 866

Art Unit: 2178

217-9197 (toll-free). If you would like assistance from a USPTO Customer Service

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- (571)-273-8300 (for all Formal communications intended for entry)

  
**CESAR PAULA**  
**PRIMARY EXAMINER**  
11/25/06